

Long Term Care Regulatory  
**Statement of Licensing Violations and Plan  
of Correction**

Facility Vendor Identification No.	Multiple Construction <b>A. Building:</b> <b>B. Wing:</b>	Date
Facility Name		
Facility Address (Street, City, State, ZIP)		

**Summary Statement of Licensing Violations**

§98.42(c)(1)(G)(iii) Ashtrays of noncombustible material and safe design must be provided in all areas where smoking is permitted.

This REQUIREMENT was not met as evidenced by:

Based on observation and interview, the facility failed to provide an ashtray of non-combustible material and safe design in one of one smoking area inspected. The smoking area had a chimney-type ashtray. This failure could place all six clients reviewed at risk for injury in case of a fire by not having a safe location to place their cigarettes and ashes.

The findings included:

During the environmental tour on 10/05/18 at approximately 10:15 a.m., accompanied by the facility Director, observed a chimney-type ashtray in the smoking area.

In an interview on 10/05/18, the Director said he was not aware that chimney-type ashtrays could not be used. The Director said he would get another ashtray.

The Texas Health and Human Services (HHS) Provider Letter 13-16, dated April 22, 2013-Ashtrays of Noncombustible Material and Safe Design indicated:

"HHS is issuing this letter as a reminder that if smoking is permitted in a facility, the facility must provide an ashtray of noncombustible material and safe design, and as notification that tower and chimney-type ashtrays do not meet the requirement for an ashtray of safe design.

Tower and chimney-type ashtrays create a fire hazard because they do not always extinguish a cigarette butt, and a lit cigarette butt can ignite other material in the tower or chimney. Even though these ashtrays may have an Underwriters Laboratory rating, HHS will not accept the ashtrays as meeting the requirement for an ashtray of safe design."

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Signature – Facility Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date